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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-118**

11 **LAURA DIANE HUFF**
12 **151 Plymouth Way**
13 **San Bernardino, CA 92408**
Registered Nurse License No. 566727

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about May 9, 2000, the Board of Registered Nursing issued Registered Nurse
22 License Number 566727 to Laura Diane Huff ("Respondent"). The Registered Nurse License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 April 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
28 indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 2811(b) provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

REGULATORY PROVISIONS

7. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

8. Code section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • • •

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.”

9. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

1 10. Code section 4022 states:

2 "\"Dangerous drug\" or \"dangerous device\" means any drug or device unsafe for self-
3 use in humans or animals, and includes the following:

4 (a) Any drug that bears the legend: \"Caution: federal law prohibits
5 dispensing without prescription,\" \"Rx only,\" or words of similar import.

6 (b) Any device that bears the statement: \"Caution: federal law restricts
7 this device to sale by or on the order of a -----,\" \"Rx only,\" or words of similar
8 import, the blank to be filled in with the designation of the practitioner licensed to use
9 or order use of the device.

10 (c) Any other drug or device that by federal or state law can be lawfully
11 dispensed only on prescription or furnished pursuant to Section 4006.\"

12 11. California Code of Regulations, title 16, section (\"Regulation\") 1442 states:

13 \"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure
14 from the standard of care which, under similar circumstances, would have ordinarily been
15 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
16 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
17 a single situation which the nurse knew, or should have known, could have jeopardized the
18 client's health or life.\"

19 12. California Code of Regulations, title 16, section 1443.5 states:

20 \"A registered nurse shall be considered to be competent when he/she consistently
21 demonstrates the ability to transfer scientific knowledge from social, biological and physical
22 sciences in applying the nursing process, as follows:

23 \"(1) Formulates a nursing diagnosis through observation of the client's physical condition
24 and behavior, and through interpretation of information obtained from the client and others,
25 including the health team.

26 \"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
27 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
28 for disease prevention and restorative measures.

1 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
2 treatment to the client and family and teaches the client and family how to care for the client's
3 health needs.

4 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
5 subordinates and on the preparation and capability needed in the tasks to be delegated, and
6 effectively supervises nursing care being given by subordinates.

7 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
8 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
9 communication with the client and health team members, and modifies the plan as needed.

10 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
11 health care or to change decisions or activities which are against the interests or wishes of the
12 client, and by giving the client the opportunity to make informed decisions about health care
13 before it is provided."

14 **COST RECOVERY**

15 13. Code section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **DRUG DEFINITIONS**

20 14. **Hydromorphone /Dilaudid** – a Schedule II controlled substance pursuant to Health
21 and Safety Code section 11055, subdivision (b)(1)(K) and a dangerous drug pursuant to Business
22 and Professions Code section 4022. It is a narcotic analgesic used for the relief of severe pain

23 15. **Norco** – contains a combination of hydrocodone and acetaminophen and is a schedule
24 III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e).
25 Pursuant to Business and Professions Code section 4022, Norco is a dangerous drug. Norco is an
26 opioid analgesic used for the relief of severe pain

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ARROWHEAD REGIONAL MEDICAL CENTER

16. At all times relevant to the charges herein, Respondent was employed as a registered nurse at Arrowhead Regional Medical Center ("Arrowhead") in the city of Colton.

17. At all times relevant to the charges herein, Arrowhead used a drug dispensing system called the "Pyxis System." The Pyxis is a computerized automated medication dispensing machine. The user enters a password to gain access and dispense medication from the machine. The machine records the user name, patient name, medication, dose, date, and time of the withdrawal. The Pyxis is integrated with hospital pharmacy inventory management systems.

18. At all times relevant to the charges herein, Arrowhead maintains medication administration records ("MAR") to document patient name, types of medication administered, dose, strength, and quantity of medication administered to each patient. It is the responsibility of each nurse to accurately document medication dispensed to each of their patients.

Patient C.H.¹

19. On or about August 25, 2010, C.H. was a patient at Arrowhead.

20. On or about that same date, Respondent was assigned care and responsibility of patient C.H.

21. On or about 7:39 a.m., of that same date, Respondent withdrew from the Pyxis machine, 2 tablets of Norco, 10 mg for patient C.H.

22. On or about that same date, Respondent failed to document either the administration of medication to patient C.H. or wastage of the Norco.

23. Respondent recorded in patient C.H.'s medical chart that at 9:00 a.m. patient C.H. had a blood glucose level of 113. This information would have been obtained through a computerized testing device that electronically records testing results and data. There are no computerized results indicating that Respondent actually tested Patient C.H.'s blood glucose levels.

¹ To maintain patient confidentiality, only patient's initials will be used.

1 24. Several of Respondent's handwritten entries on patient C.H.'s chart concerning vital
2 statistics, do not match the results downloaded from the electronic devices used to obtain the
3 information.

4 **Patient C.G.**

5 25. On or about August 25, 2010, C.G. was a patient at Arrowhead.

6 26. On or about that same date, Respondent was assigned care and responsibility of
7 patient C.G.

8 27. On or about 9:45 a.m. of that same date, Respondent withdrew from the Pyxis
9 machine, 2 tablets of Dilaudid for patient C.G.

10 28. On or about that same time, Respondent failed to document administration of the
11 medication to patient C.G.

12 29. On or about 12:03 p.m. of that same date, Respondent withdrew from the Pyxis
13 machine, 2 tablets of Dilaudid for patient C.G.

14 30. On or about that same time, Respondent failed to document administration of the
15 medication to patient C.G.

16 31. On or about that same date, Respondent performed a glucose test on patient C.G.
17 The test indicated that patient C.G.'s blood glucose level was 172. Pursuant to doctor's orders,
18 Respondent was required to treat patient C.G.'s blood glucose level on a sliding scale.
19 Respondent failed to administer any insulin to patient C.G. even though based on the sliding scale
20 and patient C.G.'s blood glucose level, Respondent should have administered insulin.

21 32. On or about 7:37 a.m. of that same date, Respondent withdrew from the Pyxis
22 machine, 2 tablets of Norco 10 mg for patient C.G.

23 33. On or about that same date, Respondent failed to document administration of the
24 medication to patient C.G..

25 **Patient J.C.**

26 34. On or about August 25, 2010, J.C. was a patient at Arrowhead.

27 35. On or about that same date, Respondent was not assigned care and responsibility of
28 patient J.C.

1 36. On or about that same date, at 7:30 a.m., per doctor's order, the prescription for
2 Dilaudid for patient J.C. was discontinued.

3 37. On or about 7:37 a.m. of that same date, Respondent withdrew from the Pyxis
4 machine, 2 tablets of Dilaudid for patient J.C.

5 38. On or about that same date, Respondent failed to document administration of the
6 medication to patient J.C.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct based on False Entries in Hospital/Patient Records)**

9 39. Respondent's Registered Nurse License is subject to disciplinary action on the
10 grounds of unprofessional conduct, as defined by Code section 2762, subdivision (e), in that on
11 August 25, 2010, while on duty as a registered nurse at the Arrowhead Regional Medical Center
12 located in Colton, California, Respondent falsified, or made grossly incorrect, grossly
13 inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to controlled
14 substances. The conduct is more particularly described in paragraphs 19 through 38, inclusive,
15 above, and herein incorporated by reference.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct based on Incompetence)**

18 40. Respondent's Registered Nurse License is subject to disciplinary action pursuant to
19 Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct constituting
20 incompetence as defined in the Code of Regulations section 1443, in that on August 25, 2010,
21 while on duty as a registered nurse at Arrowhead Regional Medical Center located in Colton,
22 California, Respondent was incompetent within the meaning of Regulation 1443. The conduct is
23 more particularly described in paragraphs 19 through 38, inclusive, above, and herein
24 incorporated by reference.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct based on Gross Negligence)**

27 40. Respondent's Registered Nurse License is subject to disciplinary action pursuant to
28 Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct constituting

1 gross negligence as defined in the Code of Regulations sections 1442, in that on August 25, 2010,
2 while on duty as a registered nurse at Arrowhead Regional Medical Center located in Colton,
3 California, Respondent was grossly negligent within the meaning of Regulation 1442. The
4 conduct is more particularly described in paragraphs 19 through 38, inclusive, above, and herein
5 incorporated by reference.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 566727, issued to Laura
10 Diane Huff;
- 11 2. Ordering Laura Diane Huff to pay the Board of Registered Nursing the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.
- 15
16

17 DATED: August 18, 2011

Louise R. Bailey
18 LOUISE R. BAILEY, M.ED., RN
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

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